

June 10, 2005

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L03P0027**
Proposed Ordinance No. **2005-0199**

SANDHU SUBDIVISION
Preliminary Plat Application

Location: On the north side of Southeast 184th Street (12044 Southeast 184th Street), approximately 300 feet east of the intersection with 120th Avenue Southeast

Applicant: Kulwant Sandhu, *represented by*
Aleanna Kondelis
Cramer Northwest, Inc.
945 North Central, Suite 104
Kent, Washington 98032
Telephone: (253) 852-4880

King County: Department of Development and Environmental Services, *represented by*
Trishah Bull
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-6758
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SUMMARY OF DECISION/RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, with conditions
Department's Final Recommendation:	Approve, with conditions
Examiner's Decision:	Approve, with conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	May 12, 2005
Hearing Continued Administratively:	May 12, 2005
Hearing Closed:	May 24, 2005

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Kulwant Sandhu
13989 SE 159th Place
Renton, WA 98058
425-269-7270

Engineer: Cramer Northwest Inc.
945 N Central, Suite 104
Kent, WA 98032
253-852-4880

STR: NW-33-23-05

Location: The site is located at 12044 SE 184th Street, approximately 300 feet east of the SE 184th Street and 120th Avenue SE intersection.

Zoning: R-6-SO
Acreage: 6.27
Number of Lots: 16
Density: 2.6 units per acre
Lot Size: Average size is approximately 3,500 square feet.
Proposed Use: Single-family detached dwellings
Sewage Disposal: Soos Creek Water & Sewer
Water Supply: Soos Creek Water & Sewer
Fire District: King County Fire District No. 40
School District: Renton School District No. 403
Application Completeness Date: November 17, 2003

2. Except as modified herein, the facts set forth in the DDES reports to the Examiner and the DDES and King County Department of Transportation testimony are found to be correct and are incorporated herein by reference.
3. The Applicant filed a preliminary plat application to subdivide 6.27 acres into 16 lots for detached single-family dwellings in the R-6-SO zone, as well as a significant amount of open space and critical area tracts. The average lot area is approximately 3,500 square feet. The odd-shaped property fronts the north side of Southeast 184th Street and has terrain which consists of a very gentle to near-flat slope from the northwest to the south and southeast. The east half of the site is encumbered by a diagonally-running Bonneville Power Administration (BPA) transmission line easement, and also has a significant area of wetlands. The wetlands extend westerly into the northwest portion of the site and to a small degree to the southwest portion of the site fronting Southeast 184th Street. The vicinity of the site is developed with single-family residences on a wide range of lot and parcel sizes, except for the aforementioned BPA transmission line corridor.

4. Access to the interior of the subdivision and the development lots will be provided by the extension of a short cul-de-sac road northerly from Southeast 184th Street and then curving northeast to terminate in a bulb in the northeast portion of the development area (which is the southwest quarter of the overall property). Development drainage is subject to the Modified Level 1 Flow Control and Basic water quality standards of the Surface Water Design Manual. Runoff will be conveyed via a biofiltration swale to a two-cell detention pond and then released at controlled rates into the downstream system.
5. As made subject to a condition herein, the offsite pedestrian routes to the public schools which resident schoolchildren would attend (to the pertinent bus stop for middle schoolers) will have sufficiently safe walkway conditions.

CONCLUSIONS:

1. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-6-SO zone.
2. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
4. The dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on December 8, 2004, or as required for final plat approval, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.

DECISION:

The preliminary plat of the *Sandhu* subdivision, as revised and received December 8, 2004, is approved subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-6-SO zone classification. All lots shall meet the minimum dimensional requirements of the R-6-SO zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).

5. The applicant shall obtain documentation by the King County Fire Protection Engineer certifying compliance with the fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. The drainage evaluation for this project has identified a downstream capacity problem along a stream corridor which contributes to localized flooding problems approximately 500 feet downstream from the plat. To mitigate potential drainage problems, storm water facilities shall be designed using the modified level one criteria as specified in the drainage manual, which detains storm water for the 10-year storm and limits the release of peak flow rates based upon the downstream capacity. The design criteria for the modified level one standard is summarized in the drainage manual on page 1-26 and shall be implemented during review of the final engineering plans.
 - e. Drainage facilities shall also include designs for water quality treatment using standards for the basic protection menu as outlined in the drainage manual. If wet ponds are utilized for water quality treatment, the pond configurations may require modification to a rectangular shape to achieve the 3:1 flow path required by the drainage manual. To accommodate the required detention storage volumes and water quality facilities, the size of the proposed drainage tracts may need to increase. All runoff control facilities shall be located in separate tracts and be dedicated to King County unless portions of the drainage tract are used for recreation space in accordance with KCC 21A.14.180.
 - f. Storm water facilities shall be designed to address any proposed on-site bypass of storm water as described on page 1-36 and 3-52 in the drainage manual.

- g. The proposed drainage facility within Tract B is located in the Bonneville Transmission Line right-of-way. Prior to engineering plan approval, the applicant shall provide correspondence and/or permits from Bonneville indicating approval for locating and constructing the drainage facility.
 - h. As required by Special Requirement No. 2 in the drainage manual, the 100-year floodplain boundaries for the onsite wetlands shall be shown on the final engineering plans and recorded plat.
 - i. The final drainage plan shall be reviewed for compliance with the setback requirements from sensitive areas. As specified in KCC 21A.24.200, structures shall be set back a distance of 15 feet from the edge of sensitive area buffers. Compliance with the setback design standards may require modifications and/or relocation of the proposed drainage facility within Tracts A and B. The current conceptual drainage plan shows concrete retaining walls within the setback which is not allowed by County code.
 - j. A permit from the Washington State Fisheries Department may be required for roadway improvements along the property frontage which may impact wetlands and/or streams. Any required permits shall be submitted to King County prior to engineering plan approval.
- 7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. SE 184th Street shall be improved as an urban neighborhood collector along the plat frontage. The improvements shall include curb, gutter, and sidewalk along the north side of the roadway with the curb located at 16 feet from road centerline.
 - b. The onsite cul-de-sac shall be improved as an urban minor access street.
 - c. Due to previous grading work within the site, the applicant shall demonstrate to the satisfaction of King County that the proposed roadways are constructed on suitable soils with subgrade compaction in accordance with County standards. Lot grading shall also be evaluated to assure that building sites are properly prepared for future home construction.
 - d. The proposed road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in section 4.01F, a full width pavement overlay is required where widening existing asphalt.
 - e. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
 - f. SE 184th Street is designated a neighborhood collector street which may require designs for bus zones and turn outs. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine any specific requirements.
 - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.

8. **SCHOOL WALKWAY:** To provide a safe walkway for school-age pedestrians, the Applicant shall improve Southeast 184th Street from the frontage to the school bus ‘pick-up’ location at the intersection of Southeast 184th/120th Avenue SE. At the intersection of Southeast 184th Street/120th Avenue SE, a widened paved ‘pad’ shall be provided for those students.

This off-frontage improvement shall consist of one of the following:

- a. A minimum five (5) foot wide paved walkway – separated from the existing roadway pavement edge by a four (4) foot wide gravel shoulder, or
- b. A full-width eight (8) foot wide paved shoulder delineated by a white edge line stripe, or
- c. Full urban improvements (i.e. concrete curb, gutter and 5-foot wide concrete sidewalk).

The Applicant may choose to share costs of 9.c. above with the developer of the proposed plat of “Goss” (DDES File #L05P0001) and/or, the developer of the proposed plat located at the northwest corner of the intersection of 124th Avenue SE/Southeast 184th Street (DDES pre-application File #A05PM102), provided the curb line shall be set at 16-feet north of the right-of-way centerline, the roadway widened with a full roadway pavement section, and the existing roadway pavement overlaid or reconstructed as required by the requirements of KCRS 4.01. (RCW 58.17.110)

These off-site improvements will not be required if the school district decides in its future plan to provide bus pick up location at the plat entrance or any other location in the vicinity of the site and transport the elementary school kids to and from school by bus. If the pick up location is not at the plat entrance, then a safe pedestrian walkway from the site to the bus pick up location shall be provided.

To implement the above condition, the Applicant shall submit detailed engineering plans for the required walkway and other directly-related roadway work for review and approval by King County DOT and King County DDES.

9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

12. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
13. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
14. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

Wetlands

- a. Class 2 wetland(s) shall have a minimum buffer of 50 feet, measured from the wetland edge.
 - b. The wetland(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT).
 - c. Buffer averaging may be proposed, pursuant to KCC 21A.24.320, provided the total amount of the buffer area is not reduced and better resource protection is achieved, subject to review and approval by a DDES Senior Ecologist.
 - d. A minimum building setback line of 15 feet shall be required from the edge of the tract.
 - e. Split-rail fence shall be installed along the wetland buffers.
15. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

16. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan. This plan must not conflict with the Significant Tree Inventory & Mitigation Plan.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
18. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if SE 184th Street is on a bus route. If SE 184th Street is a bus route, the street tree plan shall also be reviewed by Metro.

- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
19. Areas used as regional utility corridors shall be contained in separate tracts and meet the setback requirements of King County Code 21A.12.140 – Setbacks from regional utility corridors.
20. Significant Trees, SO-220. This development condition requires the applicant to retain a percentage of existing significant trees on-site. The applicant is exempt from this requirement per KCC 21A.38.23.B.h., which states:

Project sites with 25 percent or greater of the total gross site area in sensitive areas, sensitive area buffers and other areas to be left undisturbed such as wildlife corridors, shall be exempt from the significant tree retention requirements of this chapter.

ORDERED this 10th day of June, 2005.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 10th day of June, 2005, to the following parties and interested persons of record:

Helen Arendall
18202 - 120th Ave. SE
Renton WA 98058

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NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before June 24, 2005***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before July 1, 2005***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MAY 12, 2005, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03P0027.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Peter Dye and Kris Langley, representing the Department; Aleanna Kondelis, representing the Applicant; and Ms. Eilers.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 DDES File No. L03P0027
- Exhibit No. 2 DDES Preliminary Report dated May 12, 2005
- Exhibit No. 3 Application received by DDES on October 13, 2003
- Exhibit No. 4 Environmental Checklist received by DDES on October 13, 2003
- Exhibit No. 5 Determination of Non-Significance dated April 22, 2005
- Exhibit No. 6 Affidavit of Posting indicating January 24, 2004 as the date of posting and
January 26, 2004 as the date the affidavit was received by DDES
- Exhibit No. 7 Preliminary Plat Map dated December 8, 2004 (Revised)
- Exhibit No. 8 Assessors Map: NW 33-23-05
- Exhibit No. 9 Kroll Page 605 W
- Exhibit No. 10 Offsite Drainage Analysis (Revised) by Mark W. Stiefel, P.E., received April 21, 2004
- Exhibit No. 11 Wetland Analysis Report and Restoration Plan prepared by B-twelve Associates, Inc.,
Received October 13, 2003

PTD:gao
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